

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Deborah Grodzicki	Team: Team # 1	CCRB Case #: 200702758	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 02/21/2007 6:20 PM	Location of Incident: 109-26 Merrick Boulevard	Precinct: 103	18 Mo. SOL 8/21/2008	EO SOL 8/21/2008	
Date/Time CV Reported Mon, 02/26/2007 7:27 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 02/26/2007 7:27 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Bryan Zuccaro	22037	931484	NARCBQN
2. DT3 Edward Wilson	05683	919872	NARCBQN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Isaac Wright	06069	884088	NARCBQN

Officer(s)	Allegation	Investigator Recommendation
A.POM Bryan Zuccaro	Discourtesy: PO Bryan Zuccaro spoke obscenely and/or rudely to § 87(2)(b) at 109-26 Merrick Boulevard.	
B.DT3 Edward Wilson	Discourtesy: Det. Edward Wilson spoke obscenely and/or rudely to § 87(2)(b) en route to 103rd Precinct stationhouse.	
C.DT3 Edward Wilson	Abuse: Det.Edward Wilson threatened § 87(2)(b) with the use of force inside en route to 103rd Precinct stationhouse.	
D.DT3 Edward Wilson	Force: Det. Edward Wilson used physical force against § 87(2)(b) at 103rd Precinct stationhouse.	
	§ 87(4-b), § 87(2)(g)	

### Synopsis

On February 21, 2007, at approximately 6:20 PM, PO Bryan Zuccaro of Narcotics Borough Queens North arrested § 87(2)(b) § 87(2)(b) in front of 109-26 Merrick Boulevard in Queens. § 87(2)(b) § 87(2)(b) alleged that PO Zuccaro called him a “wise-ass” while affecting the arrest. [Allegation A] Once handcuffed, § 87(2)(b) was placed in the prisoner van and transported to the 103<sup>rd</sup> Precinct stationhouse by Det. Edward Wilson and Det. Isaac Wright of Narcotics Borough Queens North. En route to the 103<sup>rd</sup> Precinct, § 87(2)(b) alleged that Det. Wilson spoke profanely and threatened him with the use of force. [Allegations B and C] Upon arrival at the precinct stationhouse, § 87(2)(b) was taken into to a separate room, where he alleged that Det. Wilson punched and kicked him for approximately twenty-three minutes. [Allegation D] § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

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### Summary of Complaint

On February 26, 2007, § 87(2)(b) filed a complaint with the CCRB on behalf of her nephew, § 87(2)(b) [Encl. 6A-B] On April 25, 2007, § 87(2)(b) was interviewed by Inv. Grodzicki at the CCRB. [Encl. 8A-D] § 87(2)(b) is a § 87(2)(b) year-old black male § 87(2)(b)

§ 87(2)(b)

On February 21, 2007, at approximately 6:20 PM, § 87(2)(b) was conversing with his friend, § 87(2)(b) for approximately fifteen minutes in front of 109-26 Merrick Boulevard in Queens, when three or four plainclothes male officers jumped out of a white patrol van and approached § 87(2)(b) and § 87(2)(b). The officers immediately yelled for them to freeze. A plainclothes officer, identified through the investigation as Det. Edward Wilson of Narcotics Borough Queens, grabbed § 87(2)(b) and told him that he was under arrest for smoking marijuana. § 87(2)(b) explained to Det. Wilson that he was not smoking and that it was clearly a mistake. As Det. Wilson reassured § 87(2)(b) that he smelled marijuana, § 87(2)(b) stated, “I don’t care what you smell, you were probably smoking.” Det. Wilson replied, “You’re a wise-ass, right?” Det. Wilson then frisked § 87(2)(b) and searched inside his pockets; he did not find any contraband on § 87(2)(b). Nevertheless, the officer handcuffed § 87(2)(b) and placed him in the patrol vehicle. § 87(2)(b) waited in the patrol vehicle with three other males for a short while before § 87(2)(b) was handcuffed and placed in the patrol vehicle. As § 87(2)(b), § 87(2)(b), § 87(2)(b), and the three unidentified males were being transported to the 103<sup>rd</sup> Precinct, § 87(2)(b) became involved in an aggressive verbal dispute with the operator of the vehicle, identified as Det. Edward Wilson. § 87(2)(b) asked Det. Wilson why he was arrested, and Det. Wilson replied, “If you don’t shut the hell up I’m going to punch you in the face.” When § 87(2)(b) replied, “You are not going to do nothing to me.” Det. Wilson stated, “Watch, I’m going to punch you in the face.” § 87(2)(b) then said, “You pussy, you are a fucking scum dog.” Det. Wilson replied, “I’m going to fuck you up.” § 87(2)(b) and Det. Wilson continued to yell profanities toward one another throughout the entire ride to the precinct stationhouse. Though § 87(2)(b) was mainly exchanging profanities with Det. Wilson, the passenger of the vehicle, identified through the investigation as Det. Wright, also spoke profanities to § 87(2)(b). However, § 87(2)(b) could not elaborate on the exact language that was used. Det. Wilson and Det. Wright were the only two officers in the patrol van when he was transported to the precinct.

Upon entrance into the precinct stationhouse, Det. Wilson immediately took § 87(2)(b) into a locker room and closed the door behind them. There was no one else inside the locker room at that time. Det. Wilson put § 87(2)(b) against the wall and said, “Yeah, now it’s me and you, huh?” § 87(2)(b) replied, “Why don’t you take the handcuffs off and give me a fair one?” Det. Wilson punched § 87(2)(b) in the face three times; he did not know exactly where in the face he was punched. § 87(2)(b) did not make any physical movement toward the officer prior to being hit. § 87(2)(b) yelled at Det. Wilson, “Fuck you, you bitch ass nigger” as the officer continued to punch him all over his body. Again,

§ 87(2)(b) did not know exactly what part of his body was hit. Det. Wilson pushed § 87(2)(b) onto the ground and proceeded to kick him on his back, head, rib, and hand. § 87(2)(b) was unable to describe the manner in which Det. Wilson threw him to the ground. While he was on the ground, § 87(2)(b) moved his body like a worm in hopes of avoiding the officer's kicks. Det. Wilson also punched § 87(2)(b) on the side and back of his head. He also dragged § 87(2)(b) around the room as he threw him against the wall of the locker room. § 87(2)(b) never kicked the officer or made any physical movements toward him while he was on the ground. § 87(2)(b) yelled loudly while Det. Wilson hit him all over his body for approximately twenty three minutes. § 87(2)(b) further stated that he may have blanked out while the officer hit him. Det. Wilson then dragged § 87(2)(b) out of the locker room and threw him on the floor. § 87(2)(b) sustained a bloody nose and mouth, a bump on his head, and had difficulty moving his neck as a result. The locker room was to the left of the holding cells; however, given the angle, § 87(2)(b) did not believe that the prisoners would have been able to see Det. Wilson drag him out of the locker room. § 87(2)(b) was transported to § 87(2)(b) by an unidentified officer shortly thereafter; he did not know what type of medical treatment he received at the hospital. However, he did recall the doctors place him a straightjacket. § 87(2)(b) was then transported to central booking and arraigned two days later. § 87(2)(b) did not recall with what he was charged.

§ 87(2)(b)'s Burberry prescription glasses broke during his altercation with Det. Wilson. He did not specify how they broke, but one of the lenses came off of the frame.

Throughout the interview § 87(2)(b) made several threats against Det. Wilson. He stated the following: "That's why I'm going to kill that nigger"; "You pussy. Fuck you, you bitch ass nigger. If I ever get a gun in my hand, I will kill your fucking wife"; "If I had a gun in my hand, I would probably have killed him."

#### **Medical Documents**

According the **Ambulance Call Report**, § 87(2)(b)'s chief complaint was that his whole body hurts. Nevertheless, his presumptive diagnosis indicated that he was sent for psychiatric evaluation. The ACR further stated that a § 87(2)(b) year-old male was found screaming and yelling in police custody. He was restrained in wrist and ankle shackles prior to EMS arrival. According to the police, the patient resisted arrest, swallowed marijuana, and acted irrational. He complained of pain to his back, chest, and ribs. The patient yelled in pain and threw himself around on the floor. There was no swelling or deformities noted to the neck and back. He had minor swelling to his forehead and an abrasion to his right eyebrow. The physical examination indicated that his airway, breathing, and circulation were normal; he did not demonstrate shortness of breath. Bilateral lung sounded clear and equal and his abdomen was unremarkable. His ribs had no deformities. The patient's transport to the hospital was delayed as they waited for the Emergency Service Unit to restrain him. Patient was delusional – he stated he had premonitions and that he wanted to kill the police officer. The patient stated that he was obsessed with killing. He demonstrated positive homicidal ideation.

According to the § 87(2)(b) **Emergency Physician Record**, § 87(2)(b) complained of injury to his face. He stated that the police beat him up on his face. He complained to moderate pain to his face, neck, and back. The physical exam indicated that he was alert and that he had no acute distress. A blood stain was noted under his nose as well as tenderness on the back of his neck. There was also an abrasion on the left side of his upper back. Clinically, § 87(2)(b) was believed to suffer from mood disorder. According to the **nursing note record**, § 87(2)(b)'s chief complaint was that he was assaulted by the NYPD. An abrasion and dried blood were noted on his face. He did not suffer from loss of consciousness nor did he vomit. The **X-rays** did not indicate any abnormalities. [Encl. 9A-N]

The **Medical Treatment of Prisoner Report** indicated that § 87(2)(b) complained of pain on his body. The Emergency Service Unit responded and § 87(2)(b) was transported to § 87(2)(b) [Encl. 10]

The **Correctional Health Services' injury to inmate report** indicated that § 87(2)(b) was involved in an altercation, but denies injury. No injuries were found on his body. [Encl. 11A-H]

### **Efforts to contact additional witnesses**

On April 11, 2007, the undersigned called § 87(2)(b) in hopes of obtaining a statement, but the phone number was no longer in service. A please call letter was subsequently sent. The two males who were arrested by PO Bryan Zuccaro at the same time and date as § 87(2)(b) and § 87(2)(b) and were likely transported to the precinct stationhouse alongside § 87(2)(b) were identified as § 87(2)(b) and § 87(2)(b) from BADS. On May 7, 2007, the undersigned sent a letter to § 87(2)(b) to the address provided on the arrest report. As § 87(2)(b)'s arrest report did not provide his mailing address, the undersigned obtained his address from DMV and subsequently sent a "please call" letter. Final call letters were sent to § 87(2)(b) and § 87(2)(b) on June 25, 2007. On July 23, 2007, the undersigned received Verizon subpoena requests for § 87(2)(b) and § 87(2)(b). The request was met with negative results for § 87(2)(b) and met with the following number for § 87(2)(b) § 87(2)(b) § 87(2)(b). This number was also obtained from a LexisNexis search. On October 26, 2007, the undersigned called the aforementioned number for § 87(2)(b) and the number was no longer in service. On February 19, 2008, the undersigned sent a final letter to § 87(2)(b) § 87(2)(g).

§ 87(2)(b)

§ 87(2)(b)

### **Results of Investigation**

#### **Subject Officer Statements**

##### Det. Edward Wilson

*Det. Edward Wilson of Narcotics Borough Queens North was interviewed by the CCRB on July 31, 2007. [Encl. 12A-C] On February 21, 2007, Det. Wilson was assigned to prisoner van during a buy and bust operation within the confines of the 103 Precinct from 1:00 PM to 9:00 PM. He performed his duties in plainclothes with Det. Isaac Wright, Sgt. Prasad, and Det. Romano. He was assigned to a white Ford 15 passenger van (§ 87(2)(e)). Det. Wilson stated during his interview that he did not have any entries in his memo-book regarding this incident. (Det. Wilson did not have his memo-book with him during his interview and failed to fax it to the investigator upon request.)*

On February 21, 2007, at approximately 6:00 PM, Det. Wilson and his partner, Det. Isaac Wright, were called to the vicinity of 109<sup>th</sup> Avenue and Merrick Boulevard in Queens to pick up a prisoner, identified as § 87(2)(b) § 87(2)(b) was already in handcuffs when Det. Wilson arrived at the scene two minutes later. He did not witness any of the circumstances leading up to the arrest. Prior to his arrival, Det. Wilson was driving around the precinct picking up prisoners – he had between three and five prisoners in the van when he arrived at the incident location. Det. Wilson and his partner remained seated in the van while unidentified members of his field team placed § 87(2)(b) inside the vehicle. He did not recall if there were any other prisoners arrested at that location. Det. Wilson did not know why § 87(2)(b) was arrested at the time of the arrest; however, he was later informed that § 87(2)(b) was arrested § 87(2)(b) § 87(2)(b). En route to the stationhouse, § 87(2)(b) called Det. Wilson a "cracker" and Det. Wright a "nigger." He repeatedly yelled, "I'm a street thug, I'm a street thug, fuck you cracker, fuck you nigger." Det. Wilson instructed § 87(2)(b) to calm down; he never told § 87(2)(b) to "shut the fuck up or I'll punch you in the face." Det. Wilson heard the other prisoners say to § 87(2)(b) "Shut up, you will make everything bad for all of us." Det. Wright did not make any comments at that time.

Once Det. Wilson arrived at the precinct stationhouse, approximately 20 minutes later, § 87(2)(b) continued to yell "I'm gonna fucking kill you guys" while he was being escorted into the stationhouse. He did not physically resist at that point. As § 87(2)(b) continued to curse and make serious threats to Det. Wilson regarding his family, all the prisoners were escorted to the muster room within seconds of entering the stationhouse. As per procedure, Det. Wilson took § 87(2)(b) into the cell (which was to the left) in order to search him, while Det. Wright remained in the muster room with the other prisoners. PO Zuccaro was also in the vicinity of the muster room and cell area at the time. Det. Wilson kept the door to the cell area open when he entered with § 87(2)(b). Det. Wilson took § 87(2)(b) to the cell closest to the door and instructed him to follow his direction once he was uncuffed. Standing behind § 87(2)(b) Det. Wilson took § 87(2)(b)'s left handcuff off and was about to take his right handcuff off, when § 87(2)(b) § 87(2)(b) grabbed Det. Wilson's right index finger and twisted it around. § 87(2)(b) then swung his body around in order to face the officer and took a closed fist swing toward Det. Wilson's head. He did not

recall with what hand § 87(2)(b) swung. Det. Wilson evaded the hit by moving his head to the side. He then grabbed § 87(2)(b) (he did not recall where) and attempted to place him in handcuffs. § 87(2)(b) kept moving his arms and kicking his feet, not allowing the officer to handcuff him, and causing Det. Wilson and § 87(2)(b) to “tumble” to the ground in the process. He did not recall how they got down to the ground, but he was assured that § 87(2)(b) was never pushed to the ground. Det. Wilson continued to struggle with § 87(2)(b) on the ground by repeatedly attempting to grab his hands and instructing him to stop resisting and to put his hands behind his back. Det. Wilson stated that he called PO Zuccaro and requested additional assistance in the midst of the struggle. PO Zuccaro entered the cell area and grabbed one of § 87(2)(b)'s arms, while Det. Wilson grabbed onto the other and eventually restrained him (thirty seconds later). Det. Wilson did not use any physical force against § 87(2)(b) (i.e., kick or punch him and/or slam him against the wall); he used the amount of force necessary to subdue him. No other officers assisted Det. Wilson in restraining § 87(2)(b) in the cell area. § 87(2)(b) never hit Det. Wilson with his feet; however, he was unsure if he made any contact with PO Zuccaro.

Once § 87(2)(b) was handcuffed, Det. Wilson instructed him to stand up. § 87(2)(b) refused to stand up, and thus, Det. Wilson and PO Zuccaro picked him up horizontally and carried him to the muster room. § 87(2)(b) was never dragged out of the cell area. Upon returning § 87(2)(b) to the muster room and placing him in a chair, the other prisoners were taken to the cell area and searched. Immediately after sitting down, § 87(2)(b) threw himself off the chair and continuing screaming profanities at the officers. The Emergency Service Unit was called for further assistance. Once ESU arrived, § 87(2)(b) was placed in a restraint jacket and Emergency Medical Services took him to § 87(2)(b) for psychiatric evaluation.

Det. Wilson did not observe any injuries on § 87(2)(b) and did not know of any reason why § 87(2)(b) would have sustained injuries to his face. Det. Wilson went to § 87(2)(b) after he sustained contusions to his soft tissues of his right index finger as a result of the altercation. This caused him to miss two or three days of work. Det. Wilson asserted that the prisoners in the muster room would not have been able to see inside the cell area despite the two doors being open. Though the rooms were only ten feet across from each other, they were positioned diagonally from each one another. Det. Wilson stated that there were no lockers in either the cell area or the muster room and that § 87(2)(b) was not taken into any other room in the precinct. Det. Wilson did not use any profanity during the incident nor did he hear any other officer do so. He did not observe § 87(2)(b) wearing eyeglasses and moreover, did not observe glasses break during the struggle.

#### Medical Documents: § 87(2)(b)

§ 87(2)(b)

#### PO Bryan Zuccaro

#### Criminal Court Complaint

The Criminal Court Complaint indicated that PO Bryan Zuccaro of Narcotics Borough Queens deposes and says that on February 21, 2007, at approximately 6:20 PM, § 87(2)(b) committed the following offenses in front of 109-26 Merrick Boulevard in Queens: § 87(2)(b)

§ 87(2)(b) PO Zuccaro states that PO Zuccaro was informed by Det. Romano that on February 21, 2007, he observed § 87(2)(b) smoking a marijuana cigarette in a public place open to public view. Upon approaching § 87(2)(b) PO Zuccaro observed § 87(2)(b) place the marijuana cigarette inside his mouth. PO Zuccaro further recovered a Ziploc bag containing marijuana from § 87(2)(b). PO Zuccaro was further informed by Det. Edward Wilson that while Det. Wilson was uncuffing § 87(2)(b), § 87(2)(b) grabbed his index finger and twisted it causing redness and swelling. § 87(2)(b) also attempted to punch Det. Wilson in the face and punched him in the shoulder several times. Det. Wilson was treated at a local § 87(2)(b) for his injuries. PO Zuccaro further stated that § 87(2)(b) threatened to kill Det. Wilson, stating, “I am going to kill him when I get out.” [Encl. 15A-B]

PO Bryan Zuccaro of Narcotics Borough Queens was interviewed by the CCRB on June 19, 2007. [Encl. 16A-C] On February 21, 2007, PO Zuccaro was assigned to a field team performing buy and bust operations from 12:33 PM to 9:00 PM. He worked overtime until 5:00 AM the following day. PO Zuccaro performed his duties in plainclothes with Sgt. Neil Prasad. Det. Edward Wilson was assigned to the prisoner van that evening. PO Zuccaro was assigned to a brown Chevy Trailblazer; he did not know the license plate number. PO Zuccaro's memo-book entries indicated that at 1:20 PM, two individuals were arrested in front of 109-26 Merrick Boulevard. PO Zuccaro was then en route to the 103<sup>rd</sup> Precinct. At 6:40 PM, PO Zuccaro arrived at the 103<sup>rd</sup> Precinct for arrest processing. At 7:05 PM, § 87(2)(b) assaulted Det. Wilson. At 7:50 PM, § 87(2)(b) stated the following: "I will kill Det. Wilson and any other one of you I see sitting in your car." At 12:00 AM, PO Zuccaro returned to Narcotics Borough Queens. PO Zuccaro ended his tour at 5:00 AM. [Encl. 14A-C]

On February 21, 2007, at approximately 6:20 PM, PO Zuccaro was performing a buy and bust operation with the Narcotics Borough Queens field team, including Sgt. Neil Prasad, Det. Louis Romano, and Det. Edward Wilson, in the vicinity of 109-26 Merrick Boulevard in the Bronx. At this time, Det. Romano, who was assigned to the observation van, placed a call over the radio describing a male, later identified as § 87(2)(b) smoking marijuana in front of 109-26 Merrick Boulevard. Det. Romano provided a description of § 87(2)(b) however, PO Zuccaro could not recall the details of the description at the time of his interview. It took PO Zuccaro less than a minute to arrive at the incident location. Upon arrival, PO Zuccaro observed § 87(2)(b) with a marijuana cigarette. He then observed § 87(2)(b) quickly place the marijuana cigarette inside his mouth. PO Zuccaro and Sgt. Prasad exited their vehicle and approached § 87(2)(b). Immediately upon approach, PO Zuccaro handcuffed § 87(2)(b). § 87(2)(b) yelled profanities but did not physically resist the officers during the arrest. PO Zuccaro and Sgt. Prasad did not use profanity toward § 87(2)(b) at any point. Once § 87(2)(b) was handcuffed, PO Zuccaro searched all of § 87(2)(b)'s pockets and subsequently found a bag of marijuana. PO Zuccaro and Sgt. Prasad were the only two officers who had any verbal or physical contact with § 87(2)(b) at the location. The arrest took approximately two minutes and § 87(2)(b) was immediately placed in a patrol vehicle. Shortly after § 87(2)(b) was placed in the patrol vehicle, he was transported to the 103<sup>rd</sup> Precinct by Det. Wilson and Det. Wright. PO Zuccaro and Sgt. Prasad returned to their patrol vehicle and drove to the precinct stationhouse.

PO Zuccaro re-connected with § 87(2)(b) as § 87(2)(b) was exiting the patrol van in front of the precinct stationhouse. He described § 87(2)(b) as being very agitated. PO Zuccaro, Det. Wilson, and several unidentified members of the field team escorted § 87(2)(b) and the other unknown number of detained individuals into the muster room. Given that § 87(2)(b) was yelling, cursing, and making outrageous threats such as "I'll rape your wife and children," Det. Wilson took § 87(2)(b) out of the muster room and placed him in the cell area. The muster room was in close proximity to the cell area, but PO Zuccaro did not believe that individuals in the muster room could see into the cell area despite the door being open. Shortly after Det. Wilson took § 87(2)(b) into the cell area, PO Zuccaro heard a loud commotion and then Det. Wilson scream, "Bryan, get in here." PO Zuccaro ran into the cell area and observed § 87(2)(b) throw a punch at Det. Wilson's head as Det. Wilson was trying to grab a hold of him. Det. Wilson moved his head away, causing § 87(2)(b) to make contact with Det. Wilson's shoulder. PO Zuccaro did not see which shoulder § 87(2)(b) hit. § 87(2)(b) only had one handcuff on at the time, since Det. Wilson was in the process of uncuffing him when the altercation ensued. PO Zuccaro did not observe Det. Wilson use any physical force toward § 87(2)(b) prior to being punched. Immediately after § 87(2)(b) punched Det. Wilson, both officers grabbed a hold of each arm and brought § 87(2)(b) down to the ground. Using the handcuff that was dangling from his hand, the officers managed to put § 87(2)(b)'s hands behind his back and handcuff them together. Neither officer punched, kicked, or threw § 87(2)(b) against a wall at any point. Once § 87(2)(b) was handcuffed, and the officers were trying to pick him up, § 87(2)(b) attempted to kick both officers and he refused to get up. § 87(2)(b) did not succeed in kicking PO Zuccaro.

PO Zuccaro continuously instructed § 87(2)(b) to calm down and to relax. § 87(2)(b) did not comply with PO Zuccaro's instructions. No other officers entered the cell area during the altercation. PO Zuccaro did not recall the amount of time it took him and Det. Wilson to place § 87(2)(b) in handcuffs. Since § 87(2)(b) refused to walk out of the cell, PO Zuccaro and Det. Wilson picked up his arms and pulled

him out, causing his feet to drag behind him. The officers only picked him up by his arms since they would have dropped him if they had picked him up by his feet as well. Once § 87(2)(b) was pulled out of the cell and placed in the muster room, the officers placed him in a chair and attempted to calm him down. § 87(2)(b) threw himself out of the chair and lay down on the ground. At this point, PO Zuccaro called the Emergency Service Unit, who arrived at the precinct and placed § 87(2)(b) in a restraint jacket. The other arrested individuals were removed from the muster room when § 87(2)(b) was placed in the muster room. PO Zuccaro did not recall if § 87(2)(b) was wearing glasses on that date. However, he did not see any broken glasses on the floor resulting from the altercation in the cell area. PO Zuccaro did not use any profanity toward § 87(2)(b) at any point during the entire incident. Furthermore, he never threatened § 87(2)(b) with the use of force nor did he hear any other officer do so. PO Zuccaro believed that § 87(2)(b) sustained a bloody nose during the incident; however, he did not specifically know how § 87(2)(b) sustained the injury.

### **Witness Officer Statement**

#### Det. Isaac Wright

*Det. Isaac Wright of 103<sup>rd</sup> Detective Squad of interviewed by the CCRB on November 2, 2007. [Encl. 17A-C] Council Joel Montorez from the DEA and Investigator O'Connor were present. On February 21, 2007, Det. Wright was assigned to the prisoner van from 1:00 PM to 9:00 PM. Det. Wright performed his duties in plainclothes (jeans and a sweatshirt) with Det. Wilson and was assigned to a white dodge van (#§ 87(2)(b)). Det. Wright did not have any memo-book entries pertaining to this incident. He further stated that he did not have his memo-book with him at the time of the interview.*

On February 21, 2007, at approximately 6:30 PM, Det. Wright responded to a radio call to pick up a prisoner, later identified as § 87(2)(b) in the vicinity of 109-26 Merrick Boulevard in Queens. Det. Wright was not involved with any of the events leading up to § 87(2)(b)'s arrest since he was already handcuffed by the time he arrived at the location. Upon arrival, Det. Wright did not know if there were any other prisoners besides § 87(2)(b) since he was only instructed to place § 87(2)(b) in the van. As Det. Wright was placing § 87(2)(b) in the unmarked prisoner van, § 87(2)(b) yelled, "This is bullshit, I didn't do anything." Though § 87(2)(b) continuously yelled and screamed at the officers, he physically cooperated with Det. Wright and did not pose any problems while entering the patrol van. There were two other prisoners in the vehicle at the time § 87(2)(b) was being seated, but Det. Wright could not identify them by name.

Once § 87(2)(b) was placed in the patrol vehicle, Det. Wright and Det. Wilson (operator) transported § 87(2)(b) and the two other prisoners directly to the 103<sup>rd</sup> Precinct stationhouse. En route to the precinct, § 87(2)(b) continued to yell at the officers and threatened to kill Det. Wilson approximately ten times. He did not make any threats toward Det. Wright. More specifically, § 87(2)(b) repeatedly yelled, "Officer, I'm going to kill you. All of you officers are alike." Neither officer responded to § 87(2)(b)'s comments – they remained silent the entire time. Det. Wilson never told § 87(2)(b) to "shut the fuck up" or use any other profanity to that effect. Furthermore, he did not hear Det. Wilson threaten § 87(2)(b) with the use of force by stating, "If you don't shut the hell up, I'm going to punch you in the face." The other two prisoners also remained silent at the time.

Upon arrival at the precinct stationhouse, Det. Wright took § 87(2)(b) out of the patrol van and escorted him into the stationhouse. The prisoners were briefly stopped in front of the main desk and then taken to the muster room. § 87(2)(b) continued to yell and scream while he was being escorted into the muster room. Once the prisoners were seated in the chairs inside the muster room, Det. Wilson took each prisoner one by one into the cell area in order to remove their belts and shoelaces and hold them until they were processed. The cell area was positioned approximately five feet away and diagonal to the muster. Det. Wright further stated that you could not see into the cell area from the muster room. At the time Det. Wilson took § 87(2)(b) into the cell area, Det. Wright remained in the muster room and waited for Det. Wilson to return.

Shortly after Det. Wilson escorted § 87(2)(b) into the cell area, Det. Wright heard § 87(2)(b) become increasingly louder. He heard § 87(2)(b) screaming and yelling that he did not do anything; he could not hear any physical commotion occurring inside cell area nor did he observe Det. Wilson become involved in





**CCRB History for § 87(2)(b)**

§ 87(2)(b) has three other CCRB complaints on file. § 87(2)(b)

**CCRB History for PO Bryan Zuccaro**

PO Zuccaro does not have substantiated allegations after working for the NYPD for five years. [Encl. 3]

**CCRB History for Det. Edward Wilson**

PO Edward Wilson does not have any substantiated allegations after working for the NYPD for ten years. [Encl. 4A-B]

**Conclusions and Recommendations****Officer Identification**

§ 87(2)(b) attributed all of the allegations toward the white male officer who transported him to the precinct stationhouse and was involved in the physical altercation inside the 103<sup>rd</sup> Precinct stationhouse.

§ 87(2)(b), § 87(2)(g)

**Allegations not pleaded**

§ 87(2)(b), § 87(2)(g)

**Undisputed Facts**

It is undisputed that § 87(2)(b) was arrested § 87(2)(b).

**Facts in Dispute**

§ 87(2)(b), § 87(2)(g)

**Assessment of Evidence**

§ 87(2)(b) alleged that PO Zuccaro and Det. Wilson used profanity toward him during his arrest and en route to the 103<sup>rd</sup> Precinct stationhouse. He also alleged that Det. Wilson threatened him with the use of force while in the patrol vehicle. Both PO Zuccaro and Det. Wilson denied ever speaking profanely toward § 87(2)(b). § 87(2)(g) Det. Wilson further denied threatening § 87(2)(b) with the use of force and PO Zuccaro § 87(2)(b), § 87(2)(g)

At the precinct stationhouse, § 87(2)(b) alleged that Det. Wilson took him to a separate room and punched him in the face three times. He also alleged that Det. Wilson kicked him in the back, head, rib, and hand, threw him against the wall, and dragged him around the room. He stated that the hitting lasted for approximately twenty-three minutes. As per § 87(2)(b) he did not make any physical contact with

the officer prior to being hit. Det. Wilson stated that as he was releasing § 87(2)(b)'s handcuffs in order to search him inside the cell area when § 87(2)(b) grabbed Det. Wilson's right index finger and twisted it backwards. He then turned his body around and swung a closed fist toward Det. Wilson's head and missed. In response to § 87(2)(b)'s attack, Det. Wilson grabbed § 87(2)(b) and struggled to handcuff him once again. Given § 87(2)(b)'s resistance, Det. Wilson yelled for assistance, triggering PO Zuccaro to respond. Det. Wilson asserted that he never punched or kicked § 87(2)(b) in attempts to restrain him. PO Zuccaro's statement § 87(2)(g) he observed § 87(2)(b) swing toward Det. Wilson's head and hitting his shoulder as Det. Wilson moved his head. PO Zuccaro also described the manner § 87(2)(b) was restrained § 87(2)(g): § 87(2)(b) went down to the ground during the struggle and was subsequently handcuffed. Both officers denied kicking and punching § 87(2)(b) during the struggle. While the medical documents indicated that § 87(2)(b) sustained minor swelling to his forehead, an abrasion to his right eyebrow, and a bit of dry blood under his nose, § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) denied making any contact with Det. Wilson prior to being allegedly punched and kicked; however, Det. Wilson's medical documents indicated minor injury to his right index finger. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Furthermore, § 87(2)(b)'s medical documents described him as delusional with premonitions that he wants to kill an officer. He further expressed these desires of killing an officer during his CCRB interview (which was conducted months after the incident). § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

**Allegation A: PO Bryan Zuccaro spoke obscenely and/or rudely to § 87(2)(b)**

**Allegation B: Det. Edward Wilson spoke obscenely and/or rudely to § 87(2)(b)**

**Allegation C: Det. Edward Wilson threatened § 87(2)(b) with the use of force.**

§ 87(2)(b), § 87(2)(g)

**Allegation D: Det. Edward Wilson used physical force against § 87(2)(b)**

§ 87(2)(b) alleged that Det. Wilson punched, kicked, and dragged him for approximately twenty three minutes. As noted above, § 87(2)(b) sustained only minor injuries as a result of the altercation. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

According to Penal Law 35.30, "a police officer, in the course of effecting or attempting to effect an arrest, or of preventing or attempting to prevent the escape from custody, of a person whom he or she reasonably believes to have committed an offense, may use physical force when and to the extent he or she reasonably believes such to be necessary to effect the arrest." [Encl. 1A-B] § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Investigator: Deborah Grodzicki

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: